

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: William W. Ackerman, CPA, Budget & Finance Director/797-1050

PREPARED BY: William W. Ackerman, CPA, Budget & Finance Director

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: SETTING A PUBLIC HEARING - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE SETTING A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE LEVY OF NON AD VALOREM SPECIAL ASSESSMENTS ON CERTAIN PROPERTY WITHIN BOUNDARIES OF THE TOWN OF DAVIE PURSUANT TO F.S. 170 AND F.S. 197.

REPORT IN BRIEF: This action is necessary to set and advertise a Public Hearing related to the Town's annual levying of a special assessment for Fire Services for Fiscal Year 2008-09. The assessment rate to be levied for the fiscal year starting October 1, 2008 will be adopted during this hearing. The resolution sets the hearing for 12:00 PM on September 15, 2008 in Town Council Chambers.

PREVIOUS ACTIONS: Enacting Ordinance #96-33, amended in September 2003.

CONCURRENCES: N/A

FISCAL IMPACT: No

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution establishing a Public Hearing for the Fire Services special assessment

RESOLUTION _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE SETTING A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE LEVY OF NON AD VALOREM SPECIAL ASSESSMENTS ON CERTAIN PROPERTY WITHIN BOUNDARIES OF THE TOWN OF DAVIE PURSUANT TO F.S. 170 AND F.S. 197.

WHEREAS, the Town Council of the Town of Davie ("Town") has adopted Resolution R-2008-_____, (the "Initial Assessment Resolution"), for implementing the limits, definitions, purpose, intent, location, nature and estimated cost of those Fire Services, Facilities, and Programs (the "Fire Services") to be partially defrayed or wholly paid by certain non ad valorem special assessments on certain benefited properties within the boundaries of the District; and

WHEREAS, the Initial Assessment Resolution provides for the portion of the estimated cost of the Fire Services to be defrayed or wholly paid by the non ad valorem special assessments and provides further for the manner in which such assessments shall be levied, when the levy shall occur, and setting forth and designating the lands upon which the assessment shall be levied, providing for an assessment plat the preparation of a preliminary assessment roll and related matters; and

WHEREAS, the Initial Assessment Resolution further provides for notice and conduct of a public hearing to consider the advisability and propriety of the non ad valorem special assessments and the related infrastructure improvements; and

WHEREAS, the Initial Assessment Resolution and a preliminary assessment roll has been prepared and all of the conditions precedent (as set forth in applicable provisions of F.S. 170 and F.S. 197 pertaining to the notice and conduct of the

aforementioned Public Hearing) have been satisfied, and all related documents are available for public inspection at the office of the Town Clerk.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The foregoing recitals are hereby incorporated as the findings of fact of the Town Council.

Section 2. There is hereby declared a public hearing to be held at 12:00 p.m., September 15, 2008, at 6591 Orange Drive, Davie, Florida, for the purpose of hearing questions, comments and objections to the proposed non ad valorem special assessment and the related Fire Services as described in the preliminary assessment roll, a copy of which is available for public inspection in the office of the Town Clerk. Affected persons may either appear at that hearing or, prior to the meeting submit their written comments to Town Council.

Section 3. Notice (substantially in the form attached hereto as Exhibit A) of said hearing shall be advertised in accordance with Chapters 170, and 197 Florida Statutes, and the Town Administrator is hereby authorized and directed to place said notice in a newspaper of general circulation within Broward County (by two publications one week apart with the last publication at least one week prior to the date of the hearing established herein). The "not to exceed" amount for the annual Assessments to be stated in said Notice shall be taken from the Town's Special Assessment Report dated June 30, 2008, incorporated by reference as part of this Resolution and on file in the office of the Town Clerk. The Town Administrator shall file a publisher's affidavit with the Town Clerk verifying such publication of notice. The Town Administrator is further authorized

and directed to give thirty (30) days written notice by mail of the time and place of this hearing to the owners of all property to be assessed and include in such notice the amount of the assessment for each such property owner, a description of the areas to be improved and notice that information concerning all assessments

PASSED AND ADOPTED THIS _____ DAY OF JULY, 2008

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

EXHIBIT A

NOTICE OF PUBLIC HEARING TO LEVY AND PROVIDE FOR THE COLLECTION AND ENFORCEMENT OF NON-AD VALOREM SPECIAL ASSESSMENTS

Notice is hereby given, that the Town Council of the Town of Davie (the "Town") located in Broward County, Florida, will conduct a public hearing to levy special assessments against certain properties within the boundaries of the entire Town which are being situated in Broward County in the State of Florida. Generally, the affected properties are bounded on the north by I-595, the south by Sheridan Street, the east by U.S. 441, and the west by I-75, excepting that certain portions of the Town are outside those general boundaries and that some lands within those general boundaries are not included within the Town, but, in any event, the actual locations are as shown on the plans and specifications referred to below.

The purpose of the special assessments is to fund the cost of planning, establishing, acquiring, constructing or reconstructing, equipping, operating and/or maintaining the Fire Services to certain properties within and throughout the area described above. The maximum amount of the special assessment per parcel shall not exceed the amounts shown below each year. Such Fire Services include, but are not limited to, all costs related to the provision of fire services to benefited properties within the Town, all as described more particularly in the Assessment Report on file in the office of the Town Clerk.

A public hearing to receive comments from affected property owners as to the propriety advisability of providing such Fire Services, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each parcel will be held at 12:00 PM, on September 15, 2008 at 6591 Orange Drive, Davie, Florida. All affected property owners have a right to appear at the hearing and to file written comments or objections with the Town Council at this public hearing, or as the hearing may be continued, in adopting a final assessment resolution that shall be the final adjudication of the subject presented, including the levy of the non ad valorem special assessments, the ascertainment and declaration of special benefits peculiar to the property, the fairness and reasonableness of the duty to pay, and the rate of assessment, unless proper steps are initiated in a court of competent jurisdiction within ten (10) working days of the date of Town Council action at the hearing.

If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing, such persons will need a record of the proceedings and for such purpose said person may need to ensure that a verbatim record of the proceedings is made at their own expense and which record includes the testimony and evidence on which the appeal is based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (954) 797-1020 at least seven days prior to the date of the hearing.

If there is a mistake on this notice, it will be corrected. If you have any questions, please contact Town Hall at (954) 797-1050, Monday through Friday between 8:30 AM and 5:00 PM.